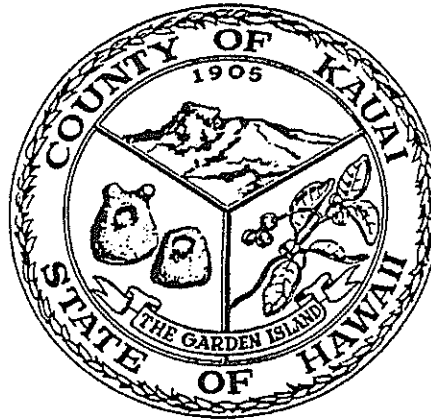


**JUL 27 2005**

**2004 REPRINT**

Includes the 1988 thru 2004 Supplements

**KAUA'I COUNTY CODE 1987**  
(K.C.C. 1987)



Comprising the General Ordinances of the  
**COUNTY OF KAUAI, STATE OF HAWAII**

**MAYOR**  
TONY T. KUNIMURA

**COUNCIL**  
RONALD KOUCHI, Chairman

BILL "KAIPO" ASING  
MAXINE CORREA  
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MAURICE MUNECHIKA  
JAMES TEHADA  
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**COUNTY CLERK**  
JEROME HEW

**COUNTY ATTORNEY**  
MICHAEL BELLES

## PREFACE

The Kauai County Code 1987 (K.C.C. 1987) has been prepared pursuant to the authority of Section 4.05 of the Kauai County Charter. The original printing of the Kauai County Code 1987 includes Ordinance No. 1, approved on December 6, 1905, and all general ordinances up to and including Ordinance No. 500, approved on March 31, 1987.

The Kauai County Code 1987 follows the general framework and text established by the Revised Code of Ordinances of the County of Kauai 1976 and the 1978 Cumulative Supplement. Accordingly, the major revisions in the original printing of the Kauai County Code 1987 are the inclusion of Ordinance No. 353 through Ordinance No. 500, and the correction of obvious technical errors.

Prior Codes include "Code of Ordinances," (Ord. No. 150, July 22, 1971); "Revised Code of Ordinances of the County of Kauai 1976" (Ord. No. 290, September 23, 1976); and "1978 Cumulative Supplement" (Ord. No. 353, December 19, 1978).

The 1988 Supplement (replacement pages) includes general ordinances up to and including Ordinance No. 539, approved on March 17, 1988, except for Ord. Nos. 534, 537, and 538 relating to the Building and Plumbing Codes.

The 1989 Supplement (replacement pages) includes general ordinances up to and including Ordinance No. 552 approved on March 23, 1989. Also included in the 1989 Supplement are Ord. Nos. 534, 537, and 538 relating to the Building and Plumbing Codes.

The 1990 Supplement (replacement pages) includes general ordinances up to and including Ordinance No. 566, approved on March 13, 1990.

The 1991 Supplement (replacement pages) includes general ordinances up to and including Ordinance No. 585, approved on March 25, 1991.

The 1992 Supplement (replacement pages) includes general ordinances up to and including Ordinance No. 601, approved on December 31, 1991, and this 1992 Supplement is current through March 31, 1992.

The 1993 Supplement (replacement pages) includes general ordinances up to and including Ordinance No. 622 approved on March 30, 1993.

The 1994 Supplement (replacement pages) includes general ordinances approved from March 31, 1993 to June 30, 1994 and is current through Ordinance No. 656 approved on June 17, 1994.

The 1995 Supplement (replacement pages) includes general ordinances approved from July 1, 1994 to June 30, 1995 and is current through Ord. No. 690, approved on June 19, 1995.

The 1996 Supplement (replacement pages) includes general ordinances approved from July 1, 1995 to June 30, 1996, and is current through Ord. No. 704 approved on June 28, 1996.

A May 1997 Erratum was issued to correct the Building Code, Chapter 12.

The 1997 Supplement (replacement pages) includes general ordinances approved from July 1, 1996 to June 30, 1997, and is current through Ord. No. 718 approved on June 25, 1997.

A January 1998 Erratum was issued to insert missing portions of Sec. 22-3.12 and Sec. 22-3.13 relating to Fireworks.

The 1998 Supplement (replacement pages) includes general ordinances approved from July 1, 1997 to June 30, 1998, and is current through Ord. No. 727 approved on June 4, 1998.

The 1999 Supplement (replacement pages) includes general ordinances approved from July 1, 1998 through July 6, 1999 and is current through Ord. No. 740 approved on July 6, 1999.

The 2000 Supplement (replacement pages) includes general ordinances approved from July 7, 1999 through June 30, 2000 and is current through Ord. No. 748 approved on June 16, 2000.

The 2001 Supplement (replacement pages) includes general ordinances approved from July 1, 2000 through June 30, 2001 and is current through Ord. No. 771 approved on June 29, 2001.

The 2002 Supplement (replacement pages) includes general ordinances approved from July 1, 2001 through June 30, 2002 and is current through Ord. No. 785 approved on June 18, 2002.

The 2003 Supplement (replacement pages) includes general ordinances approved from July 1, 2002 through June 30, 2003 and is current through Ord. No. 804 approved on June 20, 2003.

The 2004 Supplement (replacement pages) includes general ordinances approved from July 1, 2003 through June 30, 2004 and is current through Ord. No. 818 approved on June 29, 2004.

This Code is limited solely to valid and unrepealed ordinances that are general in nature. For the purposes of this codification, general ordinances are those ordinances that are deemed to be of a permanent or continuing nature prescribed for and affecting all residents of the County at large. Excluded are appropriation ordinances, bond issuance ordinances, ordinances authorizing long-term contracts, land use boundary amendment ordinances, and emergency ordinances, among others.

All proposed ordinances of general application introduced after the approval of this Code shall be adopted as amendments to the Code.

A BILL FOR AN ORDINANCE ADOPTING THE KAUAI COUNTY  
CODE 1987, DECLARING THE EFFECT THEREOF AND  
PROVIDING FOR THE EFFECTIVE DATE THEREOF

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Pursuant to Section 4.05 of the Kauai County Charter the ordinances of the County of Kauai as codified is hereby adopted by reference and designated as "KAUAI COUNTY CODE 1987" and its official abbreviated designation shall be "K.C.C. 1987."

SECTION 2. All ordinances in effect upon the effective date of the Kauai County Code 1987 that are not inconsistent with any provisions thereof and which are omitted from the codification shall not be deemed to have been repealed, but shall continue in full force and effect unimpaired by the Kauai County Code 1987.

SECTION 3. Provisions in the Kauai County Code 1987 shall be construed as continuations or amendments of applicable or corresponding provisions of previously existing ordinances and not as new enactments. In case of a conflict between two or more provisions, or in any case of a latent or patent ambiguity or obvious clerical error in any provision of the Kauai County Code 1987, reference may be had to the previously existing ordinances for the purpose of applying the rules of construction relating to repeal by implication or for the purpose of resolving the ambiguity or correcting the error.

SECTION 4. The changes in language and revisions of the original ordinances for compilation in the Kauai County Code 1987 are hereby approved, ratified and confirmed.

SECTION 5. The County Clerk, with the approval of the County Attorney, may correct before the publication of the Kauai County Code 1987 in bound form, typographical and grammatical errors, erroneous references to sections, and other mistakes obviously made through oversight or accident and may also make any other purely formal or clerical changes in keeping with the purpose of the revision.

SECTION 6. After the effective date of this Code, the County Clerk may prepare and publish revised sheets of any loose-leaf page in need of revision by reason of amendment or repeal, at intervals deemed appropriate. Any such

revised sheets and replacement instructions shall be approved by the County Attorney.

SECTION 7. Copies of the Kauai County Code 1987 are available for use and examination by the public in the Office of the County Clerk.

SECTION 8. Pursuant to law, copies of the Kauai County Code 1987 shall be made available to the public at a reasonable price not to exceed cost plus ten percent (10%).

SECTION 9. The County Clerk may excerpt and print specified pages or Chapters of this Code for distribution or sale. Any such excerpt shall be approved by the County Attorney.

SECTION 10. This ordinance shall take effect upon the first day the Kauai County Code 1987 shall go on public sale.

INTRODUCED BY: /s/ Ronald Kouchi

DATE OF INTRODUCTION:  
August 11, 1987  
Lihue, Kauai, Hawaii

DATE OF ADOPTION:  
October 6, 1987

EFFECTIVE DATE:  
January 4, 1988

## TABLE OF ABBREVIATIONS

Art.	= Article
C.	= Chapter
C.O. 1971	= Code of Ordinances--County of Kauai, 1971
C.Z.O.	= Comprehensive Zoning Ordinance--Adopted August 15, 1972
H.R.S.	= Hawaii Revised Statutes
K.C.C. 1987,	= Kauai County Code 1987
No.	= Number
Ord.	= Ordinance
P.L. or Pub. L.	= Public Law, United States Congress
R.C.O.	= Revised Code of Ordinances of the County of Kauai 1976
Res.	= Resolution
Sec.	= Section

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Article 12	Payments And Obligations
Article 13	Recovery Of Rescue Expenses
Article 14	Public Access, Open Space, and Natural Resources Preservation Fund.

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Article 3	Policies And Their Implementation
Article 4	Amendment Procedures

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Article 4	Resort Districts (RR)
Article 5	Commercial Districts (C)
Article 6	Industrial Districts (I)
Article 7	Agriculture Districts (A)
Article 8	Open Districts (O)
Article 9	Special Treatment Districts (ST)
Article 10	Constraint Districts (S)
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